

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

LOUIS FAYANT,

Plaintiff,

vs.

ALK-ABELLO, INC. and JOHN
DOES I-XXX,

Defendants.


CV 24-86-H-DWM

ORDER

On May 31, 2024, Plaintiff Louis Fayant sued his employer, Defendant ALK-Abello, Inc., for wrongful discharge, discrimination, and infliction of emotional distress in the Montana First Judicial District Court. (*See* Docs. 1, 1-1.) On December 20, 2024, the case was removed from state court. (Doc. 1.) On January 29, 2025, ALK-Abello, Inc. moved to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). (Doc. 13.) In response, Fayant filed an Amended Complaint. (Doc. 19.) Because “an amended pleading supersedes the original pleading,” *Koala v. Khosla*, 931 F.3d 887, 895 (9th Cir. 2019),

IT IS ORDERED that ALK-Abello, Inc.'s motion to dismiss, (Doc. 13), is DENIED as MOOT. ALK-Abello must answer the Amended Complaint or once again move to dismiss by the deadline provided in Rule 12(a).

DATED this 20th day of February, 2025.



Donald W. Molloy, District Judge
United States District Court

